UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JANE DOE,

     Plaintiff,

v.   Case No.: 2:22-cv-200-JLB-KCD

FELIPE JAVIER VAZQUEZ,

     Defendant.

_____/

ORDER

Plaintiff Jane Doe secured a judgment against Defendant Felipe Vazquez. (*See* Doc. 50.) She now seeks an order compelling Vazquez "to complete the Florida Rule of Civil Procedure Fact Information Sheet Form 1.977." (Doc. 59.) Broadly speaking, Form 1.977 requires a debtor to identify assets that can be pursued to satisfy an outstanding judgment.

Plaintiff is undeniably entitled to the information sought on Form 1.977. *See Kipu Sys. LLC v. ZenCharts LLC*, No. 17-24733-CIV, 2021 WL 3036555, at *1 (S.D. Fla. June 15, 2021). But before the Court can compel Vazquez to complete the form, it must be shown that he declined to voluntarily comply. Noncompliance is a prerequisite to a motion to compel. *See, e.g.*, *Petrucelli v. Bohringer & Ratzinger*, 46 F.3d 1298, 1310 (3d Cir. 1995); *Walker v. Dorriety*, No. 1:20-CV-1007-ECM-SMD, 2022 WL 20209780, at *1 (M.D. Ala. Apr. 4,

2022). Additionally, within a motion to compel the movant must certify that he has, in good faith, attempted to resolve the dispute with the opposing party. *See* Local Rule. 3.01(g).

There is no indication Plaintiff asked Vazquez to voluntarily complete Form 1.977 before seeking relief here. Nor is there any certification of the required conference under Local Rule 3.01(g). Plaintiff's motion to compel is thus premature. *See, e.g., Samadi v. Bank of Am., N.A.*, 476 F. App'x 819, 821 (11th Cir. 2012) ("The district court was not required to grant [the] motion to compel when [the movant] failed to certify that he had conferred in good faith with [opposing] counsel[.]").

Accordingly, it is **ORDERED**:

1.   Plaintiff's Motion to Compel (Doc. 59) is **DENIED WITHOUT PREJUDICE**.

ENTERED in Fort Myers, Florida on October 3, 2023.

Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record